



WEB COPY



W.P.No.30679 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.30679 of 2024
and W.M.P.No.33298 of 2024

M.Arunkumar

... Petitioner

vs.

1.The Arbitrator cum District Collector,
Collectorate Office
Krishnagiri District
Krishnagiri

2.Competent Authority / Special District
Revenue Officer – Land Acquisition
National Highways – 844
Hosur – Royakottai-Dharmapuri Section
Krishnagiri

3.The Project Director
National Highways Authority of India
PIU-Krishnagiri,
259/1, Salem Main Road,
Near KAKC Petrol Bunk,
Krishnagiri District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pass appropriate orders on the appeal petition dated 25.09.2024 by revaluation and Remeasurement of petitioners superstructure situated in S.No.24/1A1A1 to an extent of 1130 sq.meters and S.No.24/1A1A3 to an extent of 0047 sq.



W.P.No.30679 of 2024

meters at Mathigiri Village, Hosur Taluk and to refix the compensation as per the provisions of the Central Act 20 of 2013 within the time frame to be fixed by this Court.

For Petitioner : Mr.S.C.Vishwanth
For R1 and R2 : Mr.S.J.Sathik Mohamed
Government Advocate
For R3 : Mrs.S.R.Sumathy
Standing Counsel for NHAI

ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

2. The petitioner herein seeks a direction to the 1st respondent to pass appropriate orders in his appeal petition dated 25.09.2024 within a stipulated time fixed by this Court.

3. According to the petitioner, he is absolute owner of the lands measuring to an extent of 138.50 Sq. metres in S.No.18/6, 1130 Sq.metres in S.No.24/1A1A1 and 0047 Sq.metres in S.No.24/1A1A3 situated at Mathigiri Village, Hosur Taluk, Krishnagiri District.



W.P.No.30679 of 2024

4. The above said lands were acquired by the respondents for the purpose of developing N.H.844. Aggrieved by the quantum of compensation fixed by the respondents 2 and 3, the petitioner sought for enhancement of compensation and the matter was referred to arbitration by 1st respondent. Though the appeal petition of the petitioner seeking enhancement of compensation dated 25.09.2024 is pending on the file of the 1st respondent, till date, no order has been passed. Therefore, the petitioner is before this Court.

5. Mr.S.J.Sathik Mohamed, learned Government Advocate takes notice for the respondents 1 and 2 and Mrs.S.R.Sumathy, learned Standing Counsel for NHAI takes notice for the 3rd respondent.

6. The learned Government Advocate appearing for the respondents 1 and 2 would submit that the arbitral proceedings will be completed within the time fixed by this Court.

7. It is the duty of the 1st respondent to complete arbitral proceedings within the time limit prescribed under the Arbitration and Conciliation Act,



W.P.No.30679 of 2024

1996 and he cannot keep the arbitral proceedings pending for ever without passing final award. Therefore, without going into the merits of the claim made by the petitioner, this Court is inclined to direct the 1st respondent to complete the arbitral proceedings pending on his file in respect of claim made by the petitioner in his appeal petition dated 25.09.2024 and pass final award on its own merit, within a period of six months from the date of receipt of a copy of this order.

8. The learned counsel appearing for the petitioner submits that if the superstructure is demolished by the respondents before remeasurement and valuation by the Arbitrator, the petitioner may not be in a position to establish his case before the Arbitrator.

9. In view of the same, the petitioner is permitted to file appropriate application before the 1st Respondent/Arbitrator seeking appropriate interim relief, within a period of two weeks from today. If any such application is filed by the petitioner, the Arbitrator shall consider the same and pass final orders in the interim application, within a period of four weeks from the date of receipt of such application.



W.P.No.30679 of 2024

10. With the above directions, the Writ Petition stands disposed of.

No costs. Consequently, the connected writ miscellaneous petition is closed.

18.10.2024

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

dm

To

1. The Arbitrator cum District Collector,
Collectorate Office, Krishnagiri District
Krishnagiri.

2. Competent Authority / Special District
Revenue Officer – Land Acquisition
National Highways – 844
Hosur – Royakottai-Dharmapuri Section
Krishnagiri.

3. The Project Director
National Highways Authority of India
PIU-Krishnagiri, 259/1, Salem Main Road,
Near KAKC Petrol Bunk, Krishnagiri District.



WEB COPY



W.P.No.30679 of 2024

S.SOUNTHAR, J.

dm

W.P.No.30679 of 2024

18.10.2024